determining an accessability of the site by determining a threat vector which is a most likely threat vector by which the weapon will be delivered to the delivery point and the likelihood of a successful delivery based on the model;

determining a probability that a terrorist attack will occur; and

calculating a risk based at least partially on the accessibility and probability.

REMARKS

Claims 1-12 are pending in the application. Claim 1 is the lone pending independent claim. Claim 1 stands rejected under 35 U.S.C. § 103 as obvious over a combination of Swiatek, Rosen, and Jablonowski. This rejection is traversed with respect to the claims as amended for the reasons discussed below.

Claim 1 includes the step of "determining an accessability of the site by determining a threat vector which is a most likely threat vector by which the weapon will be delivered to the delivery point and the likelihood of a successful delivery based on the model." The office action relies on Figs. 5-7 and the text at page 8, column 10 through page 10 Swiatek for disclosing this step. It is respectfully submitted that nothing in Swiatek discloses or suggests determining an accessability.

The office action appears to equate points inside the probability contours of Figures 5 and 7 of Swiatek with the delivery point of Claim 1, and further appears to equate vectors from the release point to points inside the probability contours with the threat vectors of Claim 1. However, the delivery point of Claim 1 is a point designated by the user, and the threat vector is a vector to that point. In Figures 5 and 7 of Swiatek, there is only one point chosen by the user - the release point - and Swiatek does not teach any determination of a vector by which the weapon will be delivered to that release point. The other points in the

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probability contour are not chosen by the user - rather, <u>Swiatek</u> reveals, at page 9, last paragraph of column 1 to first paragraph of column 2, that the probability contours and the points therein depend upon such factors as the effects of the mountainous southern California terrain (and, apparently, which way the wind is blowing). Thus, it is the CATS program that determines which points are in the probability contours, not the user. The points in the probability contours of Figures 5 and 7 of <u>Swiatek</u> are therefore not points designated by the user, and any vector to such a point is not a threat vector as recited in Claim 1 because it is not a vector by which a weapon will be delivered to a delivery point designed by the user.

In addition to the differences discussed above, Claim 1 is different from <u>Swiatek</u> because Claim 1 requires determining accessability whereas the cited passages of <u>Swiatek</u> disclose consequence calculations.

The specification makes it clear that accessability and consequence assessments are two distinct concepts. As discussed at page 2, lines 6-9, consequence calculation tools answer question such as "what will happen if a 50 gallon drum of nerve gas is opened in the parking garage?" In this example, the 50 gallon drum of nerve gas is the weapon and the parking garage is the delivery point. Consequence assessment, then, is concerned with what happens <u>after</u> the weapon gets to the delivery point. In contrast, accessability as recited in Claim 1 depends on the most likely threat vector by which the weapon will be delivered to the delivery point and the likelihood that the weapon will be delivered successfully based on the model of the site. Thus, accessability depends upon events that occur <u>before</u> the weapon gets to the delivery point.

The cited passages of <u>Swiatek</u> discuss the CATS product. CATS is a consequence analysis tool, not a tool for determining accessability. This is reflected by the fact that CATS is a mnemonic for <u>Consequences</u> Assessment Tool Set. Fig. 5. Furthermore, page 8 of
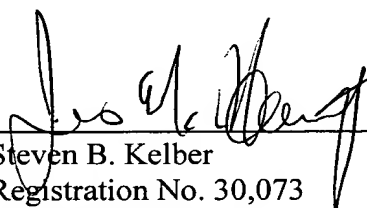
Swiatek reveals that CATS itself uses the HPAC tool to determine the dispersion of biological toxins released by weapons. HPAC is disclosed in the specification at page 16, lines 2-12 as one of six existing consequence assessment tools that is used in preferred embodiments of the invention. Thus, the very portion of CATS that is relied on by the office action as teaching a tool for determining accessability is characterized in the specification as teaching a tool for determining consequences rather than accessability. These are strong indications that the CATS tool is not a tool for determining accessability.

None of the other references cited by the office action disclose or suggest the step of determining an accessability as recited in Claim 1. Withdrawal of the rejection is therefore respectfully requested. Claims 2-12 all depend, directly or indirectly, from Claim 1 and define patentable subject matter for at least this reason. Accordingly, withdrawal of all of the outstanding rejections and allowance of Claims 1-12 is respectfully requested.

In view of the foregoing remarks, all claims are believed to be in condition for immediate allowance. Allowance of the application is respectfully solicited.

Respectfully submitted,

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MARKED-UP COPY OF AMENDED CLAIMS

1. (Amended) An apparatus for assessing a risk of a terrorist attack comprising:

a memory;

an input device;

a display device; and

a processor connected to the memory, the input device and the display device, the processor being configured to perform the steps of:

inputting information about a site of potential terrorist attack from a user;

constructing a model of the site based on the information input from the user;

accepting a designation from the user of a weapon and delivery point at the site;

determining an accessability of the site [to the weapon/delivery point] by determining a threat vector which is [mostly] a most likely [the] threat vector by which the weapon will be delivered to the delivery point and the likelihood of a successful delivery based on the model;

determining a probability that a terrorist attack will occur; and

calculating a risk based at least partially on the accessibility and probability.